

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : de Nora et al.
 App. No : 10/530,884
 Filed : April 11, 2005
 For : ALUMINIUM ELECTROWINNING
 CELLS WITH METAL-BASED
 ANODES
 Examiner : TBD
 Art Unit : TBD

CERTIFICATE OF FACSIMILE
TRANSMISSION

I hereby certify that this correspondence, and
 any other attachment noted herein, is being
 transmitted to the PCT Legal Office of the
 United States Patent & Trademark Office at
 facsimile number 5712730459:

March 16, 2010
 (Date)



Jayadeep R. Deshmukh, Reg. No. 34,507

LETTER/PETITION TO THE PCT LEGAL OFFICE

PCT Legal Office
 Commissioner for Patents
 Alexandria, VA 22313

Dear Sir/Madam:

The present application is abandoned per the information available on PAIR. The Notification of Abandonment attached hereto, is dated July 25, 2006 and references the Failure to respond to Missing Requirement letter sent August 15, 2005 as being the reason for the abandonment.

The Missing Requirement letter (attached) reveals that the Item which **MUST** (emphasis in original), is an "Oath or declaration of the inventors..." In fact, an inspection of the PAIR information for this application reveals a 3 page declaration docketed as received on April 11, 2005 (ie along with the National stage Request). This declaration is also attached. This declaration identifies the International application number (PCT/IB2003/04649) and the submission date (October 16, 2003) of the international application. The declaration is signed by all 3 inventors (de Nora, Nguyen and Duruz) and satisfies the requirements of a declaration as laid out in 37 CFR 1.497(a) and (b).

Therefore, clearly the Declaration was not missing as of August 15, 2005 and the Missing Requirement letter is incorrect when it states that the Declaration is missing. It follows that the Notification of Abandonment, which is based solely on the Failure to respond to the Missing


Application No.: 10/530,884
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Requirement, was not appropriate. This is because, there could have been no failure to respond as there was nothing Missing to respond to.

The PCT Legal Office is urged to reverse the holding of abandonment and continue examination of the application.

Dated: March 16, 2010

Respectfully submitted,

By: 
Jayadeep R. Deshmukh
Registration No. 34,507
Attorney of Record
(609)688-0202



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1440
Alexandria, Virginia 22313-1450
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/530,884	Vittorio de Nora	MOL 0672
INTERNATIONAL APPLICATION NO.		
PCT/IB03/04649		
I.A. FILING DATE		PRIORITY DATE
10/17/2003		10/18/2002

J R Deshmukh
458 Cherry Hill Road
Princeton, NJ 08540

CONFIRMATION NO. 4481

371

ABANDONMENT/TERMINATION
LETTER



OC000000019730326

Date Mailed: 07/25/2006

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Failure to respond to Missing Requirement letter sent 8/15/05

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/530,884	Vittorio de Nora	MOL 0672

INTERNATIONAL APPLICATION NO.

PCT/IB03/04649

LA FILING DATE	PRIORITY DATE
10/17/2003	10/18/2002

J R Deshmukh
458 Cherry Hill Road
Princeton, NJ 08540

CONFIRMATION NO. 4481
371 FORMALITIES LETTER
OC000000016776034
OC000000016776034

Date Mailed: 08/15/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/11/2005
- Copy of the International Search Report filed on 04/11/2005
- Copy of Article 19 Amendments filed on 04/11/2005
- Preliminary Amendments filed on 04/11/2005
- Request for Immediate Examination filed on 04/11/2005
- U.S. Basic National Fees filed on 04/11/2005
- Priority Documents filed on 04/11/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

Additionally the following defects have been observed:

- Article 19 amendments have not been entered because Not a page for page substitution.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/530,884	PCT/IB03/04649	MOL 0672

FORM PCT/DO/EO/905 (371 Formalities Notice)



PCT REQUEST

Original (for SUBMISSION) - printed on 16.10.2003 02:09:08 PM

VIII-4-1	Declaration: Inventorship (only for the purposes of the designation of the United States of America) Declaration of Inventorship (Rules 4.17(iv) and 51bis.1(a)(iv)) for the purposes of the designation of the United States of America:	<p>I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.</p> <p>This declaration is directed to the international application of which it forms a part (if filing declaration with application).</p> <p>I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.</p>
VIII-4-1 -1	Prior applications:	

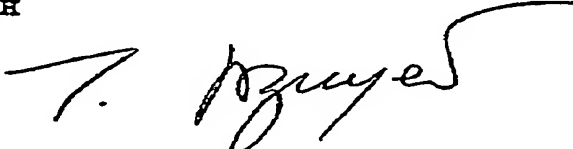

PCT REQUEST

Original (for SUBMISSION) - printed on 16.10.2003 02:09:08 PM

		<p>I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>
VIII-4-1 -1-1	Name:	DE NORA, Vittorio
VIII-4-1 -1-2	Residence: (city and either US State, if applicable, or country)	NASSAU, Bahamas
VIII-4-1 -1-3	Mailing address:	Sandrigham House
VIII-4-1 -1-4	Citizenship:	IT
VIII-4-1 -1-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the International application. The signature must be that of the inventor, not that of the agent)	
VIII-4-1 -1-6	Date: (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the International application)	

PCT REQUEST

Original (for SUBMISSION) - printed on 16.10.2003 02:09:08 PM

VIII-4-1 -2-1	Name:	NGUYEN, Thinh, T.
VIII-4-1 -2-2	Residence: (city and either US State, if applicable, or country)	ONEX, Switzerland
VIII-4-1 -2-3	Mailing address:	Rte du Grand-Lancy 165b
VIII-4-1 -2-4	Citizenship:	CH
VIII-4-1 -2-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)	
VIII-4-1 -2-6	Date: (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)	17/10/2003
VIII-4-1 -3-1	Name:	DURUZ, Jean-Jacques
VIII-4-1 -3-2	Residence: (city and either US State, if applicable, or country)	GENEVA, Switzerland
VIII-4-1 -3-3	Mailing address:	Rue de Hesse 4
VIII-4-1 -3-4	Citizenship:	CH
VIII-4-1 -3-5	Inventor's Signature: (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)	
VIII-4-1 -3-6	Date: (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)	16/10/03